

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Antonio Rodriguez, } No. CV-23-08005-PCT-SPL
Petitioner, }
vs. }
David Shinn, et al., }
Respondents. }

Petitioner David Antonio Rodriguez has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Honorable John Z. Boyle, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 9), recommending that the Court deny the Petition. Judge Boyle advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (Doc. 9 at 12) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken.

1 The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating
2 that the district court “may accept, reject, or modify, in whole or in part, the findings or
3 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
4 may accept, reject, or modify the recommended disposition; receive further evidence; or
5 return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**

7 1. That Magistrate Judge John Z. Boyle’s Report and Recommendation (Doc.
8 9) is **accepted** and **adopted** by the Court;

9 2. That the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254
10 (Doc. 1) is **denied** and **dismissed with prejudice**;

11 3. That a certificate of appealability on appeal is **denied**; and

12 4. That the Clerk of Court shall **terminate** this action.

13 Dated this 30th day of October, 2023.

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15 
16 Honorable Steven P. Logan
17 United States District Judge
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